

**Remarks**

Claims 1-46 are pending and rejected.

Claims 4, 5, 12, 18 and 33 are objected to for various informalities.

Claim 6 is rejected under 35 U.S.C. 112, ¶2.

Claims 1-8, 10-11, 13-15, 17 and 19-46 are rejected under 35 U.S.C. 102 as being anticipated by Dougall et al. (Pub. No.: US 2003/0093485, hereinafter Dougall).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Walker et al. (Patent No.: 5,612,956, hereinafter Walker).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Keck et al. (Pub. No.: US 2004/0228414, hereinafter Keck).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Choquette (Pat. No. 6,088,784, hereinafter Choquette).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Yasuda et al. (Pub. No.: US 2004/0205152, hereinafter Yasuda).

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Ungstad (Pub. No.: US 2005/0114751).

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same

as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **In The Specification**

The originally-filed application inadvertently omitted two figures that were described in the specification. In the originally-filed specification, the omitted figures were referred to as Figure 6 and Figure 7; however, a different Figure 6 and a different Figure 7 were filed with the originally-filed application and described in the specification of the originally-filed application. Accordingly, Applicants have herein amended the specification to replace these references to FIG. 6 and FIG. 7 with references to FIG. 8 and FIG. 9, respectively. Specifically, Applicants have amended the Brief Description of the Drawings section of the originally-filed specification, and Pg. 12, Line 24 – Pg. 15, Line 4 of the originally-filed specification. Additionally, Applicants have herein amended these, as well as other, portions of the specification to correct other minor typographical errors. No new matter has been entered.

#### **In The Drawings**

The originally-filed application inadvertently omitted two figures that were described in the specification. In the originally-filed specification, the omitted figures were referred to as Figure 6 and Figure 7; however, a different Figure 6 and a different Figure 7 were filed with the originally-filed application and described in the specification of the originally-filed application.

Applicants submit herewith two new drawing sheets based on the descriptions from the originally-filed specification. The new figures are Figure 8 and Figure 9,

respectively. Support for new Figure 8 may be found at least from Pg. 12, Line 24 – Pg. 14, Line 10 of the originally-filed specification. Support for new Figure 9 may be found at least from Pg. 14, Line 11 – Pg. 15, Line 4 of the originally-filed specification. No new matter has been entered.

Applicants submit herewith seven replacement drawing sheets. The replacement drawing sheets have been amended to reflect the addition of the two new drawing sheets (namely, renumbering each of these drawings sheet from “Sheet X of 7” to “Sheet X of 9”). No new matter has been entered.

Furthermore, as described hereinabove, Applicants have herein amended the specification to replace references to FIG. 6 and FIG. 7 with references to FIG. 8 and FIG. 9, respectively, as well as to correct other minor typographical errors. No new matter has been entered.

#### **Claim Objections**

Claims 4, 5, 12, 18 and 33 are objected to for various informalities.

Applicants have herein amended the claims to correct the informalities.

Therefore, the objections should be withdrawn.

#### **Rejection Under 35 U.S.C. 112**

Claim 6 is rejected under 35 U.S.C. 112, ¶2, the Examiner stating that there is insufficient antecedent basis for the limitation “wherein a first portion of the number is included in the packet as a payload identifier.”

Applicants have herein amended claim 6 to depend from claim 5.

As such, Applicants respectfully submit that claim 6 fully satisfies the requirements of 35 U.S.C. 112 and is allowable thereunder. Therefore, the rejection should be withdrawn.

#### **Rejection Under 35 U.S.C. 102**

Claims 1-8, 10-11, 13-15, 17 and 19-46 are rejected under 35 U.S.C. 102 as being anticipated by Dougall. The rejection is traversed.

**Claims 1-8, 10-11, 13-15, 17, 32-35, and 44-46**

Claims 1-8, 10-11, 13-15, 17, 32-35, and 44-46 are rejected under 35 U.S.C. 102 as being anticipated by Dougall. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Dougall fails to disclose each and every element of the claimed invention, as arranged in independent claims 1, 32, 44, and 46.

In general, Dougall discloses a system for scheduled streaming of best effort data or programs on channels from one of a plurality of controllers to one or more client nodes. As disclosed in Dougall, a program is a group of files and has program information indicating to a client node how to use the files of the program and a channel is a virtual path, and a client node can receive program files from different channels in a separable fashion. (Dougall, Abstract).

Dougall, however, fails to teach or suggest each and every element of Applicants' independent claim 1, as arranged in the claim. Namely, Dougall fails to teach or suggest at least the limitation of "transforming respective filenames of said files into respective file identifiers, each of said file identifiers comprising a packet identifier (PID) associated with a communications channel selected to transport said file," as claimed in Applicants' claim 1.

Rather, Dougall merely discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier. Dougall further discloses that each PID is uniquely assigned to one specific stream, and that a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070). Dougall is devoid of any teaching or suggestion of transforming respective filenames of files into respective file identifiers, as claimed in Applicants' claim 1.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0034, Lines 6-10), asserting that the cited portion of Dougall discloses Applicants' limitation of "transforming respective filenames of said files into respective file identifiers." Applicants respectfully disagree. Applicants note that the cited portion of

Dougall merely states that “[a] header of a first packet of a sequence of packets includes a program identifier field containing a program identifier which uniquely identifies the program of the sequence of packets.” (Dougall, Para. 0034, Lines 6-10, Emphasis added). The cited portion of Dougall is devoid of any mention of any filenames, or any transforming step, much less transforming respective filenames of files into respective file identifiers, as claimed in Applicants’ claim 1. Rather, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. The cited portion of Dougall is devoid of any teaching or suggestion of how the program identifier is determined. A statement that a packet header includes a program identifier field, as disclosed in Dougall, does not teach or suggest transforming a filename into a file identifier, as claimed in Applicants’ claim 1. As such, the portion of Dougall cited by the Examiner fails to teach or suggest the limitation of “transforming respective filenames of said files into respective file identifiers,” as claimed in Applicants’ claim 1.

As such, Dougall fails to teach or suggest each and every element of Applicants’ claim 1.

Therefore, Applicants respectfully submit that claim 1 is allowable over Dougall under 35 U.S.C. 102. Similarly, independent claims 32, 44, and 46 include limitations similar to the limitations of independent claim 1. Thus, for at least the reasons described hereinabove with respect to independent claim 1, Applicants respectfully submit that independent claims 32, 44, and 46 are also allowable over Dougall under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall under 35 U.S.C. 102.

As such, Applicants respectfully submit that claims 1-8, 10-11, 13-15, 17, 32-35, and 44-46 are allowable over Dougall under 35 U.S.C. 102. Therefore, the rejection should be withdrawn.

#### **Claims 19-24**

Claims 19-24 are rejected under 35 U.S.C. 102 as being anticipated by Dougall. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Dougall fails to disclose each and every element of the claimed invention, as arranged in independent claim 19.

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest each and every element of Applicants' independent claim 19, as arranged in the claim. Namely, Dougall fails to teach or suggest at least the limitation of "calculating a data identifier from the bit sequence associated with the desired packet," as claimed in Applicants' claim 19.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of how the program identifier is determined. Dougall fails to teach or suggest calculating any data identifier using a bit sequence associated with a packet. Thus, Dougall fails to teach or suggest calculating a data identifier for use in receiving a desired packet where the data identifier is calculated from a bit sequence associated with the desired packet, as claimed in Applicants' claim 19.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0070, Lines 8-9), asserting that the cited portion of Dougall discloses Applicants' limitation of "calculating a data identifier from the bit sequence associated with the desired packet." Applicants respectfully disagree. Applicants note that the cited portion of Dougall, referencing the header of a transport packet, merely states that "[t]he header includes a thirteen bit long packet identifier or PID. Each PID is uniquely assigned to one specific stream, e.g., an elementary stream or component signal of a composite audio-video signal. A transport packet with a given PID only contains the data of that specific stream." (Dougall, Para. 0070, Lines 8-12). The cited portion of Dougall is devoid of any

teaching or suggestion of a calculation being performed, much less calculating a data identifier from a bit sequence associated with a desired packet, as claimed in Applicants' claim 19. A statement that a header includes a PID, as disclosed in Dougall, does not teach or suggest calculating a data identifier, as claimed in Applicants' claim 19. Similarly, a statement that a transport packet with a given PID only contains data of a specific stream, as disclosed in Dougall, does not teach or suggest calculating a data identifier, as claimed in Applicants' claim 19. As such, the portion of Dougall cited by the Examiner fails to teach or suggest the limitation of "calculating a data identifier from the bit sequence associated with the desired packet," as claimed in Applicants' claim 19.

As such, Dougall fails to teach or suggest each and every element of Applicants' claim 19.

Therefore, Applicants respectfully submit that claim 19 is allowable over Dougall under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall under 35 U.S.C. 102.

As such, Applicants respectfully submit that claims 19-24 are allowable over Dougall under 35 U.S.C. 102. Therefore, the rejection should be withdrawn.

#### **Claims 25-31 and 36-42**

Claims 25-31 and 36-42 are rejected under 35 U.S.C. 102 as being anticipated by Dougall. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Dougall fails to disclose each and every element of the claimed invention, as arranged in independent claims 25, 28, 36, and 42.

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where

each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest each and every element of Applicants' independent claim 25, as arranged in the claim. Namely, Dougall fails to teach or suggest at least the limitation of "calculating a plurality of packet identifiers based on respective bit sequences associated with respective sets of at least one packet," as claimed in Applicants' claim 25.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of how the program identifier is determined. Dougall fails to teach or suggest calculating any identifiers, much less calculating packet identifiers based on respective bit sequences associated with respective packet sets. Thus, Dougall fails to teach or suggest calculating a plurality of packet identifiers based on respective bit sequences associated with respective sets of at least one packet, as claimed in Applicants' claim 25.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0034, Lines 6-10), asserting that the cited portion of Dougall discloses Applicants' limitation of "calculating a plurality of packet identifiers based on respective bit sequences associated with respective sets of at least one packet." Applicants respectfully disagree. Applicants note that the cited portion of Dougall merely states that "[a] header of a first packet of a sequence of packets includes a program identifier field containing a program identifier which uniquely identifies the program of the sequence of packets." (Dougall, Para. 0034, Lines 6-10). A statement that a packet header includes a program identifier field, as disclosed in Dougall, does not teach or suggest calculating a packet identifier based on a bit sequence, as claimed in Applicants' claim 25. The cited portion of Dougall is devoid of any teaching or suggestion of any such calculations. As such, the portion of Dougall cited by the Examiner fails to teach or suggest the limitation of "calculating a plurality of packet identifiers based on respective bit sequences associated with respective sets of at least one packet," as claimed in Applicants' claim 25.

As such, Dougall fails to teach or suggest each and every element of Applicants' claim 25.



Therefore, Applicants respectfully submit that claim 25 is allowable over Dougall under 35 U.S.C. 102. Similarly, independent claims 28, 36, and 42 include limitations similar to the limitations of independent claim 25. Thus, for at least the reasons described hereinabove with respect to independent claim 25, Applicants respectfully submit that independent claims 28, 36, and 42 are also allowable over Dougall under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall under 35 U.S.C. 102.

As such, Applicants respectfully submit that claims 25-31 and 36-42 are allowable over Dougall under 35 U.S.C. 102. Therefore, the rejection should be withdrawn.

#### **Claim 43**

Claim 43 is rejected under 35 U.S.C. 102 as being anticipated by Dougall. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Dougall fails to disclose each and every element of the claimed invention, as arranged in independent claim 43.

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest each and every element of Applicants' independent claim 43, as arranged in the claim. Namely, Dougall fails to teach or suggest at least the limitation of "spinning a plurality of data units from the group consisting of packets and files without transmitting a directory of all of the data units being spun" and "calculating information used to spin the units of data by a common calculation that is

used by the television converter to receive the units of data without a directory of all of the data units being spun,” as claimed in Applicants’ claim 43.

Rather, Dougall merely discloses transmission of best effort data that is formatted into transport packets. Dougall is devoid of any teaching or suggestion spinning a plurality of data units from the group consisting of packets and files. Dougall is devoid of any teaching or suggestion of calculating information used to spin units of data, much less calculating information used to spin units of data using a calculation that is common to a headend and a television converter such that a directory of data units being spun does not need to be transmitted to from the headend to the television converter.

As such, Dougall fails to teach or suggest each and every element of Applicants’ claim 43.

As such, Applicants respectfully submit that claim 43 is allowable over Dougall under 35 U.S.C. 102. Therefore, the rejection should be withdrawn.

### **Rejection Under 35 U.S.C. 103**

#### **Claims 3, 4, 9, 12, 16 and 18**

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Walker. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Keck. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Choquette. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Yasuda. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Ungstad. The rejections are traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 102 given Dougall. Because the rejection under 35 U.S.C. 102 given Dougall has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional references supply that which is missing from Dougall to render the independent claims anticipated, these grounds of rejection cannot be maintained.

As such, Applicants respectfully submit that claims 3, 4, 9, 12, 16 and 18 are allowable over Dougall in view of, respectively, Walker, Keck, Choquette, Yasuda, and Ungstad under 35 U.S.C. 103. Therefore, the rejections should be withdrawn.

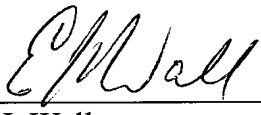
**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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